HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, C.J.
HON'BLE SHRI V.K. SHRIVASTAVA, J.

Misc. Appeal (C) No.219 of 2006.

Appellant	Lakhbeer Singh aged 27 years S/o. Sri Jagdish Singh R/o. House No.27, Sarvodaya Colony, Tatibandh Thana Amanaka, Raipur (C.G.)
Claimant	

Vs.

RESPONDENTS	1. Narendra Rao S/o Bihari Ram, age 27 years, R/o. Village Pokhra, thana, Rajim, Tahsil & Distt. Raipur (C.G.) (Driver of the Vehicle Truck NO.C.G. 04 G 1080)
Non-applicants	2. M/s. Prakash Industries Limited, Through Director Ring Road No.2, Gogaon, Urla, Raipur (C.G.) [Owner of the Vehicle Truck NO.C.G. 04 G 1080]
	3. National Insurance Company Limited, Through Divisional Manager, Divisional Office, G.E. Road, Near Telephone Exchange, Tahsil & Distt. Raipur (C.G.) {Insurer of the Vehicle Truck No. C.G. 04 G 1080}

Present : Shri S.S. Rajput, learned counsel for the appellant.

ORAL ORDER

(Passed on 11th December, 2006)

The following order of the Court was passed by **Vijay Kumar Shrivastava, J.**

This appeal under Section 173 of the Motor Vehicle Act, 1988 (henceforth 'the Act') has been filed by the appellant, feeling aggrieved by the award dated 22.06.2006 passed by the XIIth Additional Motor Accidents Claims Tribunal, Raipur in claim case No. 34/2005, whereby he was awarded a sum of Rs. 2,53,072/-.

(2) On 05.02.2005, the appellant was going to Siltara, when he reached near Rawanbhata Banjari Temple, the respondent No.1 rashly and negligently driving truck bearing registration No.C.G.04 G 1080 dashed the appellant's scooter. On account of that the appellant received multiple injuries on his mouth, head and other parts of the body. The Truck No.C.G. 04 G 1080 was owned by respondent No.2 and was insured with respondent No.3. The appellant filed an application under Section 166 of the Act claiming a compensation of Rs.14,10,000/- before the Claims Tribunal.

(3) Claims Tribunal after investigating the claim held petitioner entitled for grant of compensation and after due consideration passed the award, allowing compensation as below.

1)	For treatment	: Rs. 1,33,572/-
2)	For special diet	: Rs. 5,000/-
3)	For transportation and attendant	: Rs. 5,000/-
4)	For pains and sufferings	: Rs. 15,000/-
5)	For permanent disability	: Rs. 25,000/-
6)	Towards loss of earning	: Rs. 8,000/-
7)	For damages caused to the scooter	: Rs. 1,500/-
8)	For future treatment	: Rs. 60,000/-
	Total	: Rs.2,53,072/-

(4) During the course of arguments, learned counsel for the appellant contended that appellant was advised by the Dentist Vivek Agrawal for replacement of missing tooth by implanting artificial tooth who gave an estimation of Rs.98,900/- , but, learned Tribunal instead of awarding Rs.98,900/- only awarded Rs.60,000/-.

(5) Private Practitioner, Dr. Vivek Agrawal, P.W-2, who is a Dentist was examined by the Tribunal. For repairing and implanting some of the tooth his approximate estimation was around Rs.98,900/- He in cross-examination stated that the appellant's four tooth of the upper jaw and one of the lower jaw were found broken. He further stated that his estimate may vary, it may exceed or reduce. It is evident that the witness himself is not sure what will be the actual expenditure required to be incurred by the appellant towards replacement of his broken tooth and implanting artificial one. Therefore, learned tribunal taking into account all the circumstances present in the case for future treatment allowed Rs.60,000/- and in our considered opinion the finding of the fact based on legal evidence recorded by the tribunal does not suffer from any illegality or perversity, which may call for any interference.

(6) No other points have been raised by the appellant during the course of argument.

(7) In the result, the appeal is liable to be dismissed summarily and is accordingly dismissed in *limine* . No costs.

Sd/-
Chief Justice

Sd/-
V.K.Shrivastava
Judge